

United States District Court

E-FILING

NORTHERN

DISTRICT OF
FILED

CALIFORNIA

UNITED STATES OF AMERICA

AUG 05 2008

V.

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIALuciano ROMERO-Pacheco
(Name and Address of Defendant)**CRIMINAL COMPLAINT****08-70512 PVT**~~SEALED BY ORDER
OF THE COURT~~

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, June 22, 2008, in Santa Clara County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

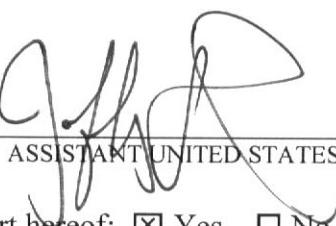
in violation of Title 8 United States Code, Section(s) 1326
 I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM: _____


ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: Yes No

Signature of Complainant

Sworn to before me and subscribed in my presence,

August 5, 2008

Date

at San Jose, California
City and State

Patricia V. Trumbull
United States Magistrate Judge
Name & Title of Judicial Officer

Patricia V. Trumbull

Signature of Judicial Officer

DOCUMENT NO.		CSA's INITIALS
DISTRICT COURT CRIMINAL CASE PROCESSING		

RE: ROMERO-Pacheco, Luciano A75 127 675

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

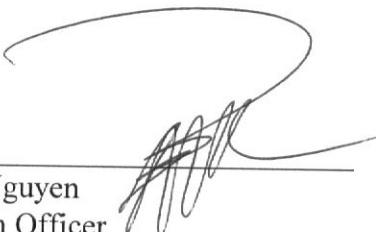
- (1) Mr. ROMERO-Pacheco is a 35-year-old male who has used nine (9) aliases and one (1) date of birth in the past.
- (2) Mr. ROMERO-Pacheco has been assigned one (1) Alien Registration number of A75 127 675, FBI number of 217036WA4, California Criminal Information Index number of A10742479, and a California Department of Correction number J85508.
- (3) Mr. ROMERO-Pacheco is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on four (4) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
December 20, 1996	Otay Mesa, CA
October 21, 2003	San Ysidro, CA
May 28, 2005	San Ysidro, CA
July 19, 2005	Nogales, AZ

- (4) Mr. ROMERO-Pacheco last entered the United States at or near Nogales, AZ on or after July 19, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. ROMERO-Pacheco on a date unknown, but no later than June 22, 2008, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326.
- (6) Mr. ROMERO-Pacheco was, on May 10, 1994, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESS FOR SALE CONTROLLED SUBSTANCE, an aggravated felony, in violation of Section 11351 of the California Health and Safety Code, and was sentenced to one hundred fifty (150) days in jail.
- (7) Mr. ROMERO-Pacheco was, on February 24, 1995, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of RECEIVE STOLEN PROPERTY, a felony, in violation of Section 496 of the California Penal Code, and was sentenced to four (4) months in jail.

RE: ROMERO-Pacheco, Luciano A75 127 675

- (8) Mr. ROMERO-Pacheco was, on October 26, 1995, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESS FOR SALE CONTROLLED SUBSTANCE, an aggravated felony, in violation of Section 11351 of the California Health Safety Code, and was sentenced to two (2) years in prison.
- (9) Mr. ROMERO-Pacheco was, on November 30, 2004, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of PLANT/CULTIVATE MARIJUANA, a felony, in violation of Section 11358 of the California Health and Safety Code, and was sentenced to twelve (12) months in jail.
- (10) On the basis of the above information, there is probable cause to believe that Mr. ROMERO-Pacheco illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 5 day of August, 2008



PATRICIA V. TRUMBULL
UNITED STATES MAGISTRATE JUDGE